

FEB 01 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)
 L. Guerra) Examiner: Lerner, Martin
 Application No.: 09/802,662) Group Art Unit: 2654
 Filed: 03/09/01) Atty. Docket No.: BVOCP011
 For: SYSTEM, METHOD AND COMPUTER)
 PROGRAM PRODUCT FOR A DYNAMICALLY)
 CONFIGURABLE VOICE PORTAL)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
 OR IN A NAFTA OR WTO MEMBER COUNTRY
 TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. section 1.131)**

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States or in a NAFTA or WTO member country, at a date at least as early as March 21, 2000, the effective date of the Black reference cited by the Examiner.
2. The person making this declaration is an inventor, Mark D. Womack.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached exhibits and statement are submitted as evidence:

EXHIBIT A - A confidential notebook entry dated 01/06/00 which was generated before the filing of the present patent application and shows a description of the present invention.

EXHIBIT B - A confidential presentation dated 01/00 which was generated before the filing of the present patent application and shows a description of the present invention.

STATEMENT: I, Mark D. Womack, hereby state that the invention in the above patent application was conceived of and/or reduced to practice at least as early as 01/00, as evidenced by EXHIBIT A and B.

Specifically, between Exhibit A and B, disclosed is a technique for dynamically configuring a speech recognition portal, including the operations of conducting a session with a user utilizing a speech recognition portal, wherein access to a network is provided during the session via the speech recognition portal; receiving utterances from the user during the session via the speech recognition portal; performing

Declaration of Prior Invention in the United States or in a NAFTA or WTO Member Country to Overcome Cited Patent or Publication—
 37 C.F.R. section 1.131—page 1

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a speech recognition process on the utterances to interpret the utterances; and dynamically configuring one or more aspects of the speech recognition portal during the session, as well as other features found in the claims of the present application.

From these exhibits and statement, it is clear that the invention in this application was conceived of and/or reduced to practice at least as early as 01/00.

DILIGENCE

4. It is hereby declared that applicants acted diligently up to reduction to practice or the filing of the above patent application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted prior to final rejection, or with a first reply after a final rejection for the purpose of overcoming a new ground of rejection or requirement made by the Examiner, in which case the declaration is considered timely and should be considered. See MPEP 715.09 (C).

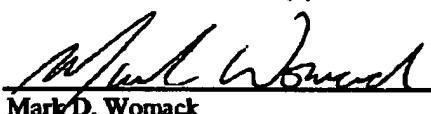
DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

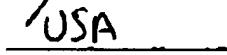
SIGNATURE(S)

Inventor's signature:

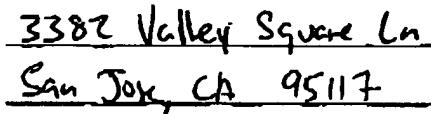
 Date: 1/27/05

Mark D. Womack

Country of Citizenship:

 USA

Residence:

 3382 Valley Square Ln
San Jose, CA 95117



PATENT

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a speech recognition process on the utterances to interpret the utterances; and dynamically configuring one or more aspects of the speech recognition portal during the session, as well as other features found in the claims of the present application.

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SIGNATURE(S)

Inventor's signature:

Lisa M. Guerra Date: 1/26/05
Lisa M. Guerra

Country of Citizenship:

USA

Residence:

146 Frederick Ct.

Los Altos, CA 94022

EXHIBIT A

1/6/04

B2B

Customer Selection

- consumer focused brands w/ content, product, service offerings
- w/ selling relationships / revenue intent
- w/ end user "can they afford it?"
- CRM issue

Scope of Activities

- develop & deploy apps
- enable ↑
- host apps "build brand" → B2C, "intel inside" reputation "powered by BellSouth"
- BD/Sales
- reuse prior development
- enable direct channels for consumers?

Rev Model

- hosting fees
- value-based, transaction related fees

→ NRE

Diff

- end-end solution
- prepackage DS → vertical mkt. spaces and/or
- open-architecture, enabling industry development.

B2C

Cost Selection end-users → individuals (non)
 - target segments

Scope of Activities - license content/prod/services
 - develop + deploy
 - market - build consumer brand

Rev Model

advertising
transaction fees
subscription fees

Diff

strength of brand
based mkt segments not sustainable
user experience
browsing offering (aspiration of content)

Various (communication/access/interface) technologies (touch-tone, speech, WAP, sms, etc.) will be combined with speech playing an integral part) to provide universal, self-service access to efficient, reliable, personalized, and immediate information and services, anywhere, anywhere through ubiquitous information appliances (phones, PDAs, set-top boxes, home appliances, etc.).

12/100
cc-setenvMSK for procedure: sfire-1000, 5/1000, 1000
Videocon
Videocon by, Acme, 1000

12/1000: bad in 2 lot

PTA 6248 Bob ref#62272344 (custom@videocon.com)

12/100
Bellin

Thomasme@bellin.com

770-364-1214

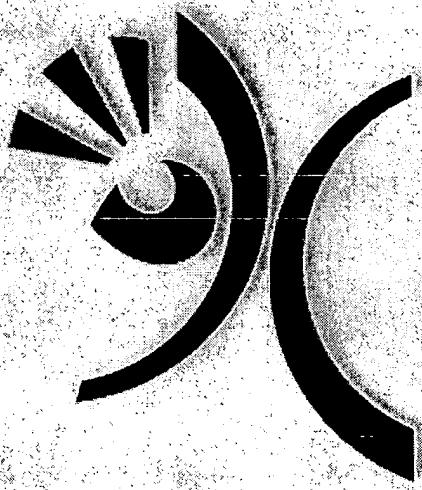
missinc

Bob: 62787708

PR 6547 (still open)

PR 6441 → install this (for DNA3.1)

1. uninstall & all
2. install DNA3.2
3. uninstall PDAs
4. install boardwatch
5. install PPS.



BeVocal

Investor Presentation

January 2000

BeVocal, Inc.
Contact: Steve Tran

Tel: 650-210-8159
Fax: 650-292-2282
Email: steve@bevocal.com

What We Do

BeVocal is a Consumer V-Services Company



Get a broad variety of personalized information & services with one quick call simply by speaking

Call BeVocal.
It's free!

Market Vision

Technology Environment

Wireless phone usage is exploding

Telecom costs are dropping dramatically

Speech recognition has improved significantly

Consumer Environment

Consumers don't always have convenient access to the Internet when needed

50% of US consumers aren't online

Consumers prefer to access the best of the Web at one site

Consumers prefer speech vs. touch-tone or human operators

Consumer V-Services

Voice-enabled
4C's
Content

Customer Environment

Web and e-commerce companies have high customer acquisition and retention costs

Web and e-commerce companies can only generate revenue when their customers are online

Wireless carriers are looking to

enhance services and applications to increase minutes and reduce churn

Communications
Commerce
Customer
Relationships

Our Mission



BeVocal will be the pre-eminent consumer destination for voice-enabled content, commerce, communications, and customer relationships.

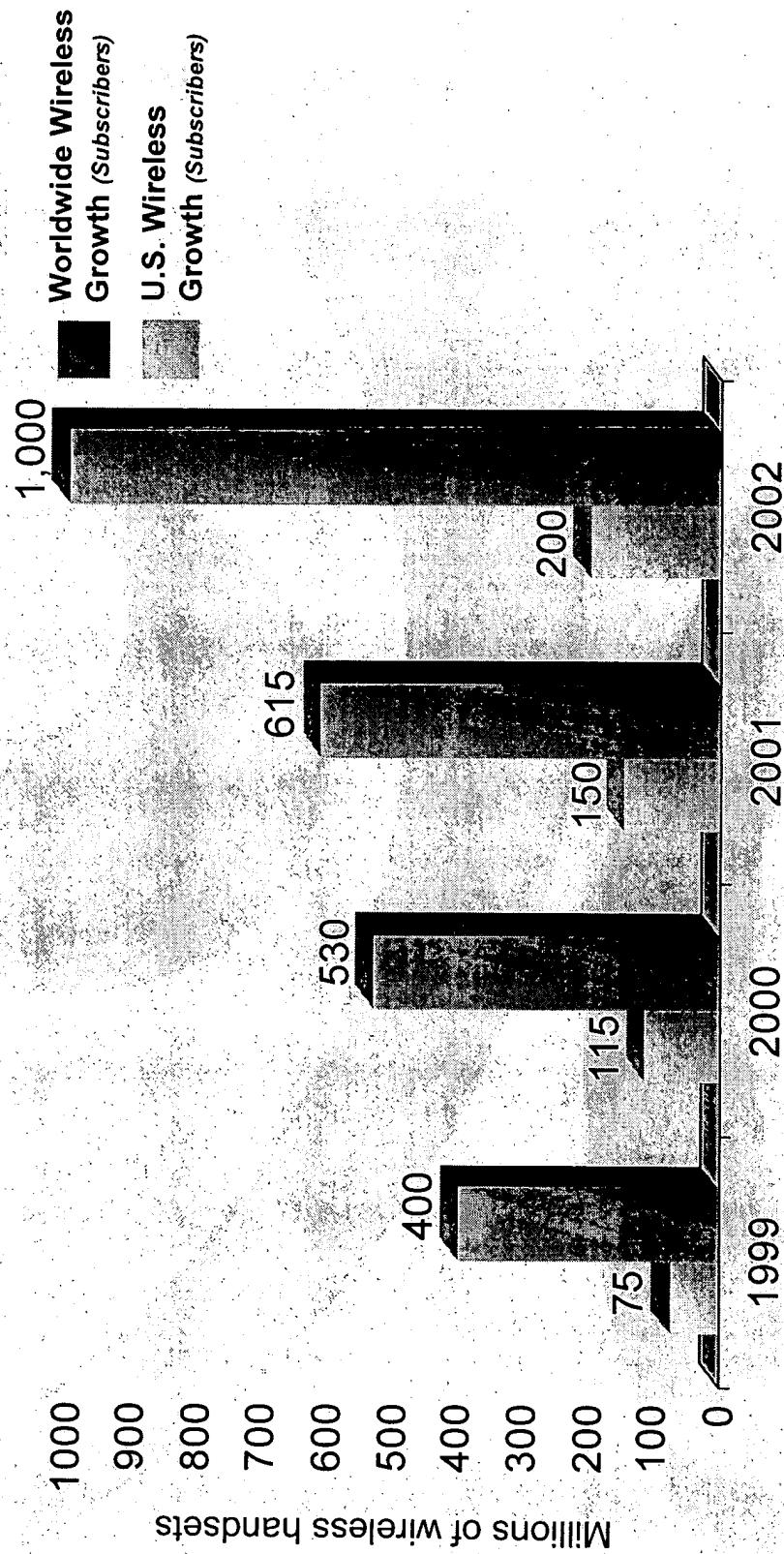
With a deep understanding of our individual consumers, BeVocal will create a world-class brand that will be the first choice for personalized information and services via any phone.

Through the power of your voice, BeVocal will listen, learn, and simplify your world.

Worldwide Market Opportunity



Consumer V-Services will be accessible by over 1.5 billion phones worldwide, but will be *most relevant to wireless phones*



Source: Nomura Research / Nokia, 2000

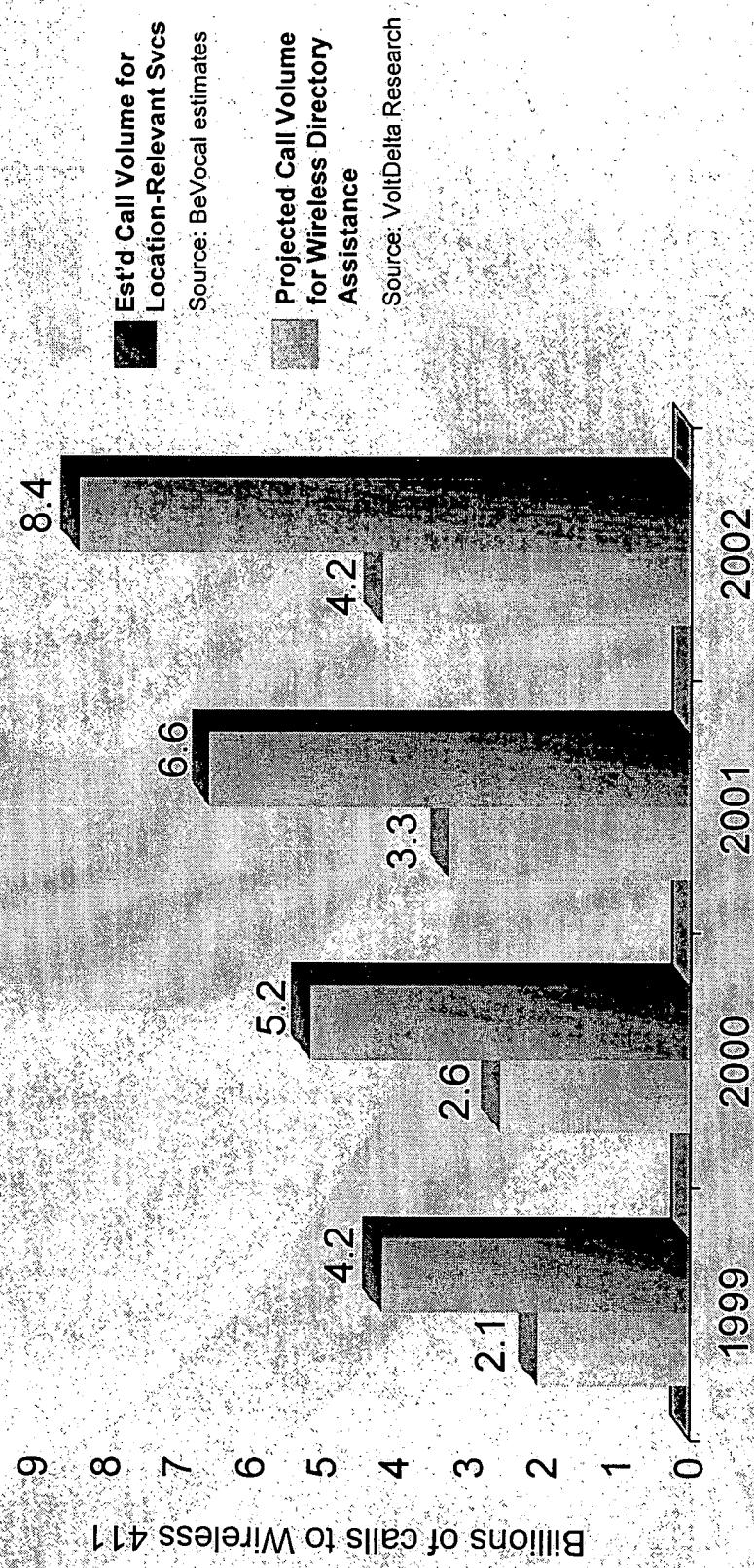
5

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U.S. Market Potential

Market Proxy -- Wireless 411 Services

Consumer V-Services have the potential to eclipse directory assistance services in call volume.



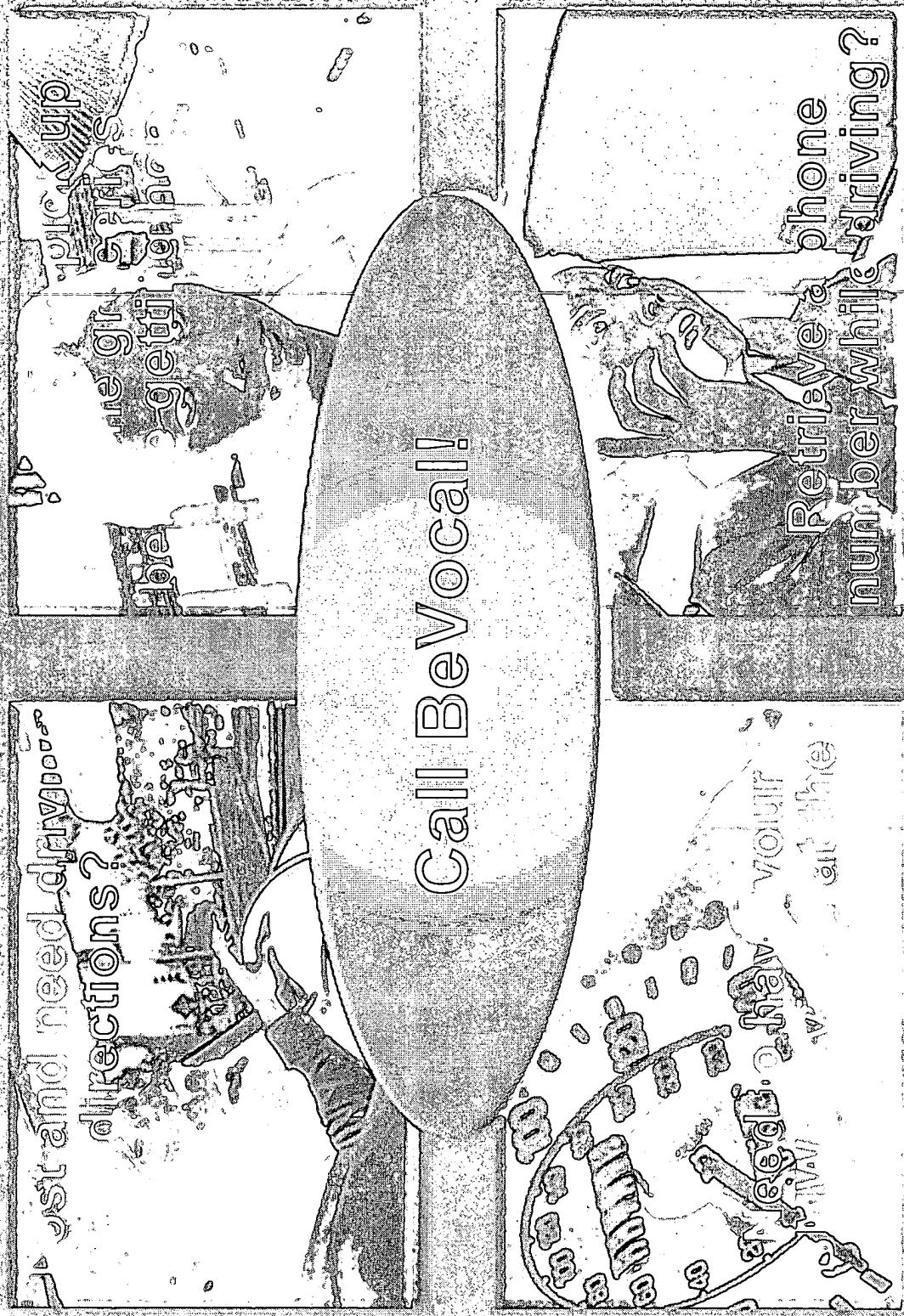
“Wireless consumers estimated they would use location-relevant information services more than twice as much as they currently use wireless 411 services.”
-- Strategis Group

What Are V-Services?

- Voice-enabled services
 - phone-based speech recognition input and multiple output (voice, WAP, fax, text pager, email)
- Content
 - Internet content, branded information sources, voice portals
- Commerce
 - e-commerce transactions over the phone
- Communications
 - voice-activated dialing, voice mail, conferencing, local and long distance calling, voice chat
- Customer relationships
 - self-service transactions, order tracking, problem reporting, customer acquisition and retention, notifications, alerts

Examples of Common Consumer Problems

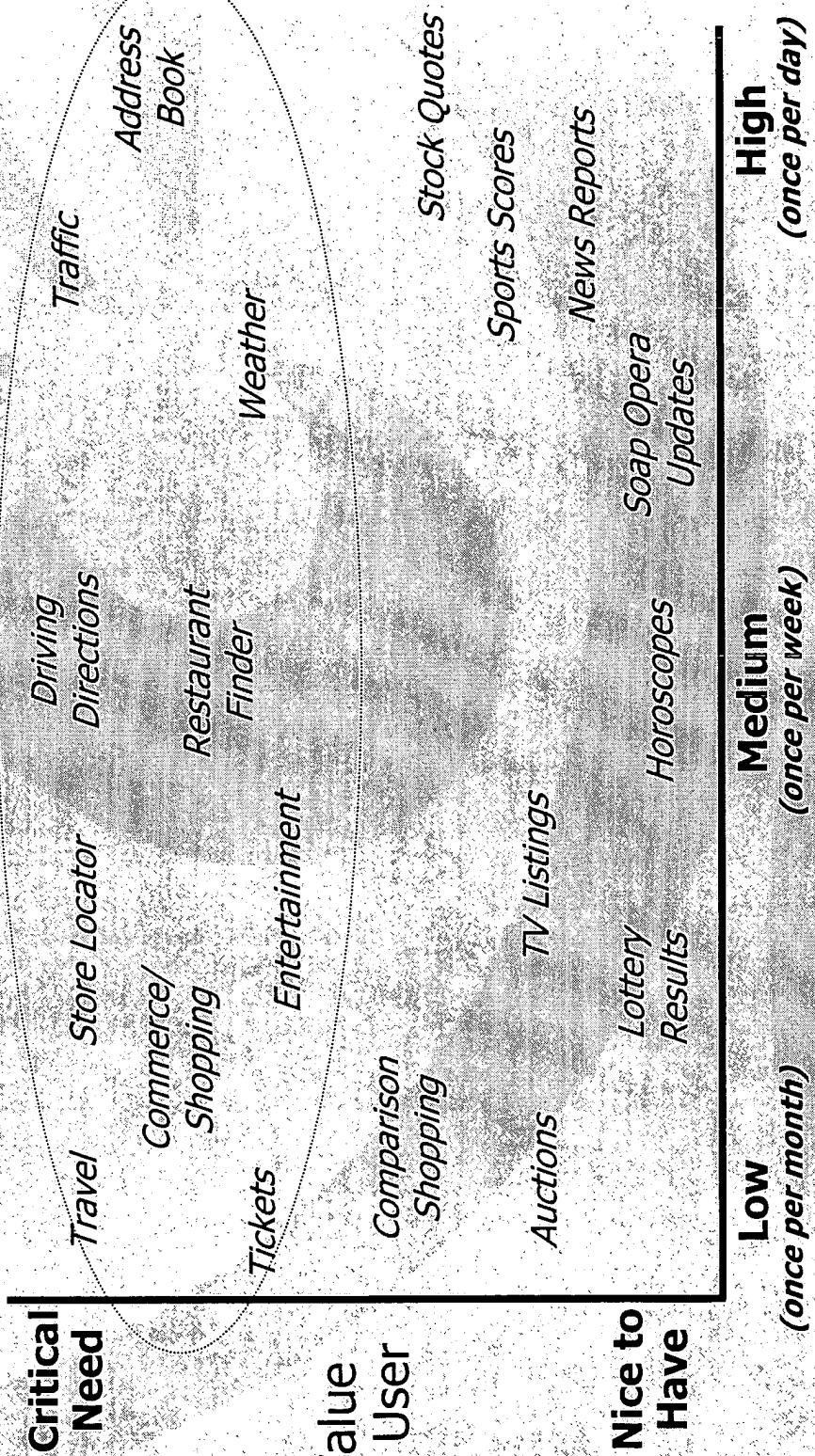
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What Consumers Have Told Us

BE VOCAL

Location-Relevant Applications



“Wireless consumers expressed a strong interest in a wide range of localized information services, with weather, traffic and directions rating among the highest.”

— Creative Quest LLC

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BeVocal Services



Initial
Location-
Relevant
Services

Driving Directions

Traffic Reports



TravInfo

Store Locator



Additional
Services

Location Relevant

Weather, Restaurants, Movies,
Local Events, Travel, Address Book

Location Non-Specific

News, Sports, Stock Quotes,
Toll-free # Listings

Local & National Brands

Examples of
Prospective
"Keyword"
Services



Why Aren't Consumers Using V-Services Today?

Not Readily Available



510 415 310 408 650 877
800 888 213

Too many access numbers

Costs

Provider-dependent
Device-dependent

Why Haven't Developers Been Building V-Services Applications?



No Standardized Development
& Deployment Platform



Prototype
Development
Time & Cost

BeVocal Strategy

BeVocal will dominate the emerging Consumer V-Services market by being --

First to market with location-relevant Consumer V-Services

- Q1 2000 beta for Bay Area
- Core set of broadly appealing, frequently used, location-relevant applications
- Easy to remember, branded, toll-free number

First to market w/ open platform (VocalBoost)

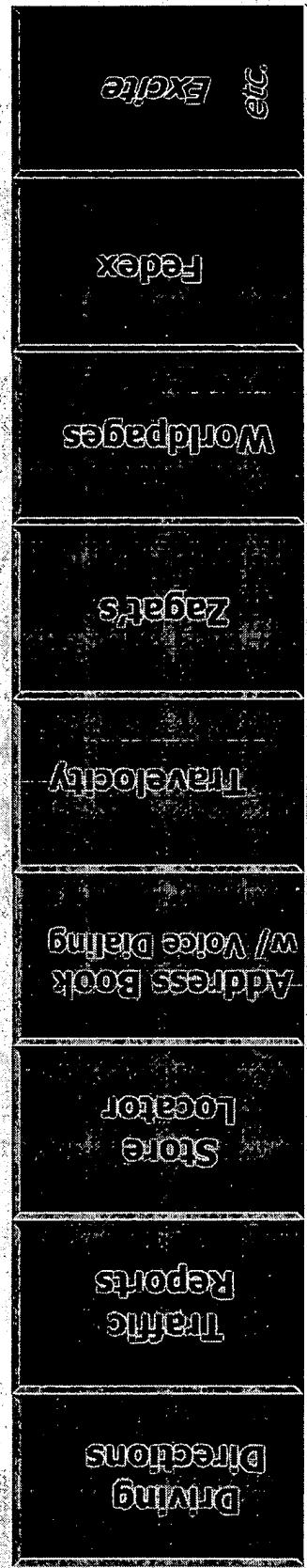
- Embraces & extends emerging VoiceXML standard
- Provides comprehensive environment for speech application development
- Allows rapid prototyping and testing by 3rd-party app developers

Builds awareness and critical mass

Fosters more rapid content aggregation

13

VocalBoost Open Development Solution



Common Voice User Interface

VoiceXML Browser

SpeechObjects

Integrated Services Platform

Call Profiling Server, User Login & Registration Server, Advertising Server, Security Server, E-Commerce Server, Content Delivery Channels (voice, e-mail, fax, WAP, etc.)

Speech Channel Interface

Speech Recognition Engine (Nuance) | Speech Synthesis Engine (L&H)

VoIP- Ready Telecom Hosting Infrastructure

VocalBoost Development Scenario



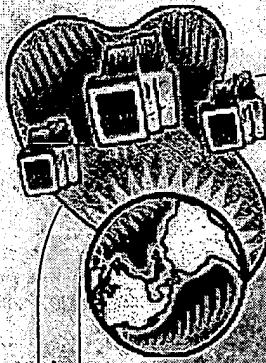
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[Http://www.mcdonalds.com/vxml/fries.vxml](http://www.mcdonalds.com/vxml/fries.vxml)

```
<?xml version="1.0"?>
<vxml>
<form>
<field name="fries">
<prompt>Fries with that?</prompt>
<grammar src="yesno.gram"/>
</field>

<speechobject class="BeVocal.SO.SODirections"
codebase="http://bevocal.com/browser/lib/BeVocal.jar"
data="http://mcdonalds.com/voicesites/mcdonalds/prompts"/>
```

Internet



VocalBoost

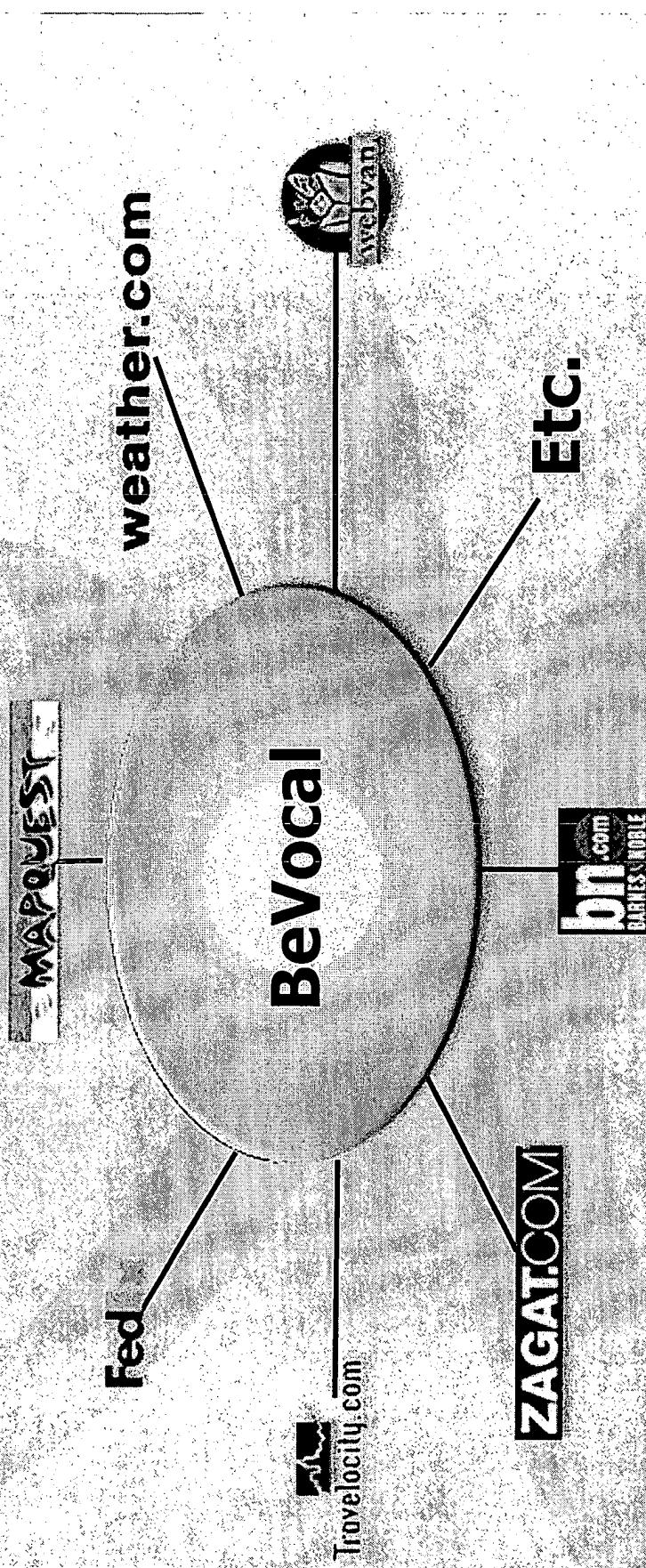


Developer

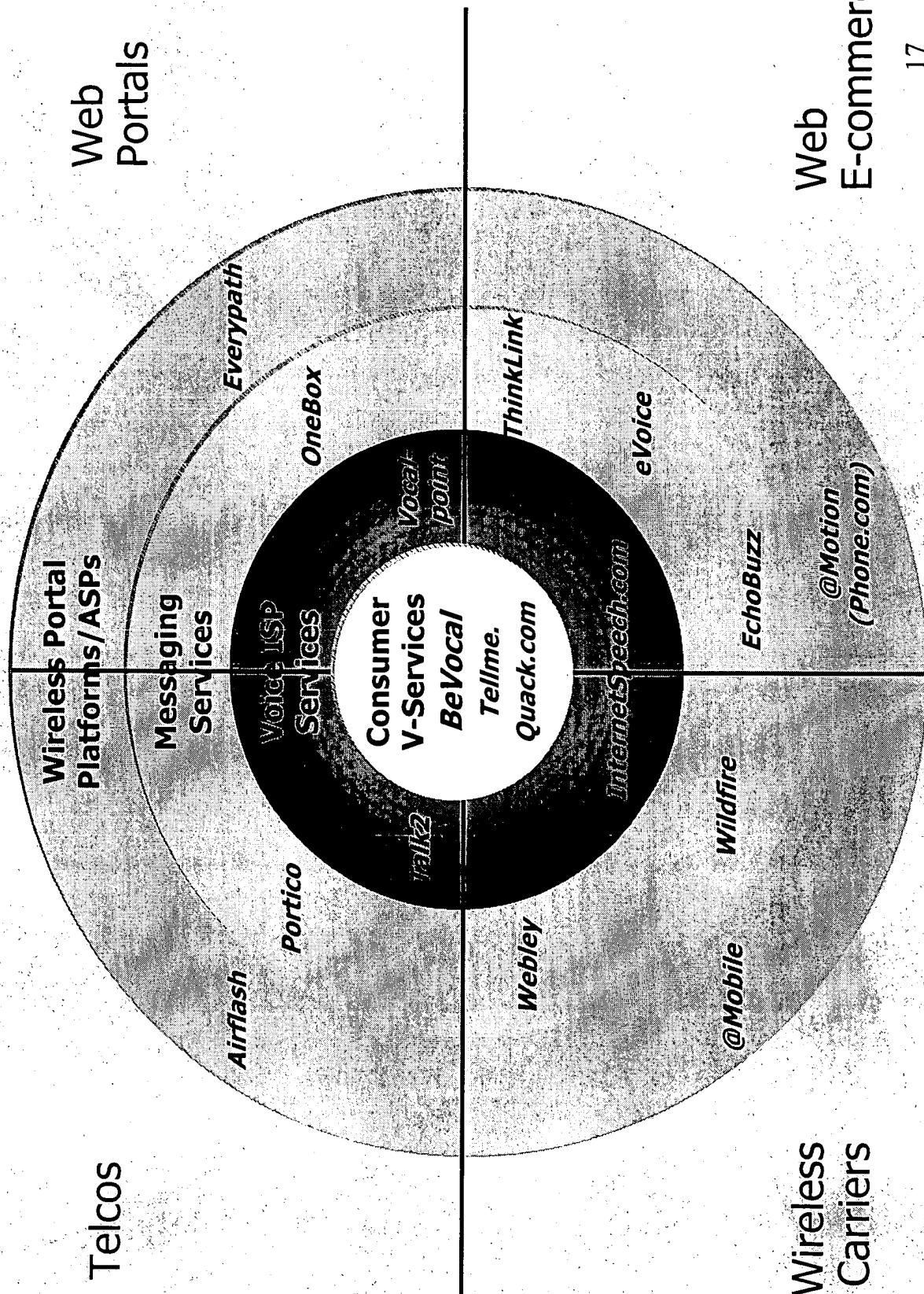
BeVocal Strategic Intent



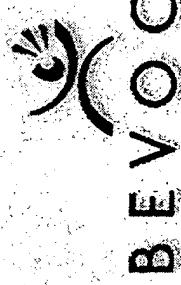
Through building a *superior brand* and promoting an *open development platform*, BeVocal/will become the *HUB* of the Consumer V-Services market



Competitive Landscape



Competitive Positioning



Quack.com™

Consumer
Brand

yes

Open Development
Platform

yes
no

Single Access
Number

yes
yes

Variety of Content
& Services

yes
yes

Location-Relevant
Apps

?

Deployed
Scalable Telecom
Infrastructure

?

People

■ Team of 18 people (12 full-time, 6 contract)

■ Management Team

- Mikael Berner, Founder, CTO
 - voice communications software - ZSP Corp. (LSI Logic), Panasonic, Cardiac Telecom
 - BSEE (Honors), Univ. of Pittsburgh, MSEEE (Honors) Cornell
- Amol Joshi, Founder, VP of Products
 - telecom hardware platforms - Brooktrout Technology, Netpower, Panasonic
 - BSEE (Honors), Georgia Tech; MS in Computer Eng. & MBA, Dartmouth
- Kevin Stone, Founder, VP of Operations
 - wireless communications systems - ZSP Corp. (LSI Logic), Panasonic
 - BSEE (Honors) & MSEEE, UC Berkeley
- Steve Tran, Founder, CFO
 - corporate finance, M&A - Cadence, MOAI Technologies, Petrie Parkman
 - BSEE, Rice Univ.; MBA (Honors), Dartmouth
- Ricardo Alvarez, VP of Marketing
 - consumer brand management - Procter & Gamble
 - BS, Clemson Univ.; MBA (Honors), Univ. of Texas
- Retained Lindsay Lautz of LGES to conduct CEO Search

Key Investors & Advisors

■ Key investors include

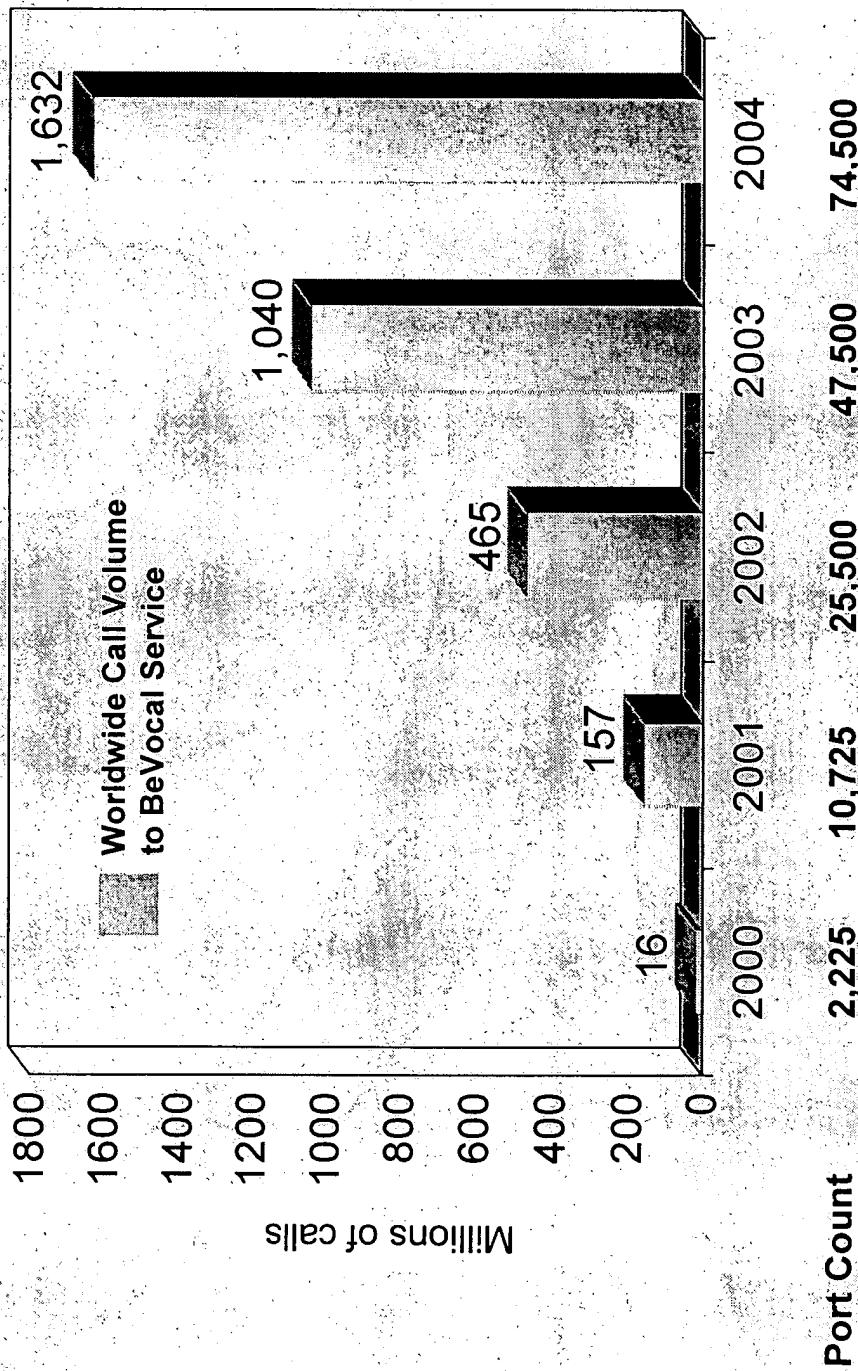
- **Charles Corfield** - Founder & CTO, Frame Technology; Early investor in Infoseek & iBasis
- **Bob Miller** - CEO, SlamDunk Networks; Chairman & CEO, MIPS
- **Skip Stritter** - Chairman, Clarity Wireless; Founder, MIPS Computer Systems;
- **Shinichi Sugihara** - President, Portal Software Japan; President, Netscape Japan
- **Ian Zwicker** - President, W.R. Hambrecht & Co.; Head of investment banking, DLJ
- **Bob Wilson** - Former CEO of Memorex; former Director, Chrysler Corporation
- **Indra Mohan** - CEO, Clarity Systems; founder, Tibco Software
- **Gary Hughes** - Former VP & GM, Adaptec; former President, Memorex Canada

■ Key advisors include

- **Praveen Kopalle** - Prof. of Marketing, Tuck School of Business at Dartmouth College
- **Asher Waldfogel** - Founder & CTO, Tollbridge Technologies; Co-Founder, Redback Networks
- **Bob Brodersen** - Founder, T-Span, Professor of Electrical Engineering, UC Berkeley

Projected Growth Potential

BeVocal will generate significant call volume worldwide



Revenue Potential

Revenue Model

- Advertising & Sponsorships (\$0.02-0.20 per call)
- Transaction Fees (\$1.00-2.00 per transaction)
- Application Hosting Fees (\$0.25-0.50 per call)

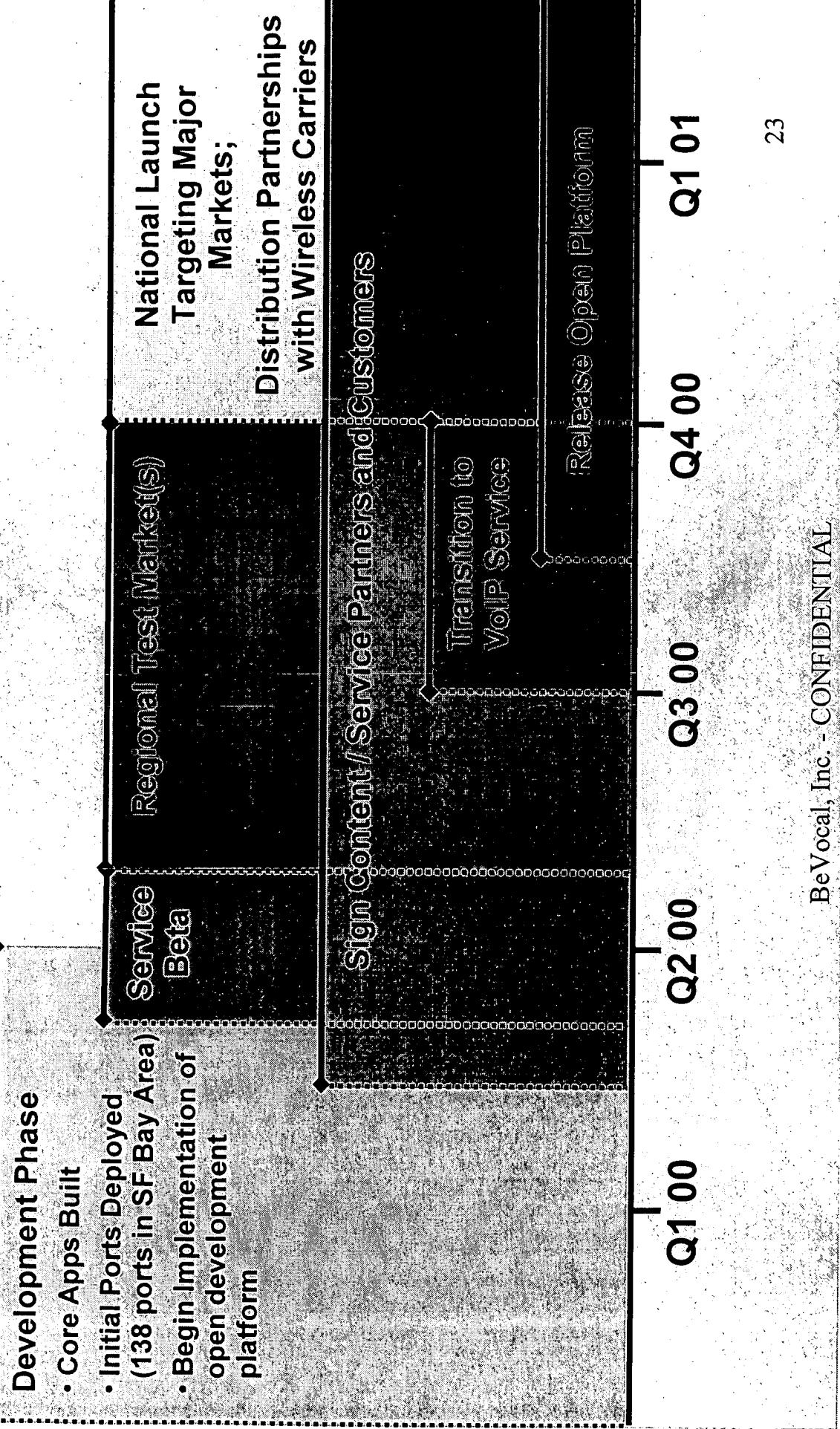
Other Value Added Opportunities

- Distribution partnerships with telco and wireless carriers
- Private-labeled V-Services to enterprise customers

Timeline



BE VOCAL



Wrap-up

- Wide-open market with huge worldwide opportunity to capture and monetize “eardrums”
- Opportunity to set the de facto standard architecture for next generation speech application development
- Strong marketing and technical team to execute on opportunity
- Focus on high fast-moving, value-added investors for 2nd round funding to help accelerate progress

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— P C —
ZILKA, KOTAB & FEECE™

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San Jose, CA 95113
Telephone (408) 971-2573
Facsimile (408) 971-4660

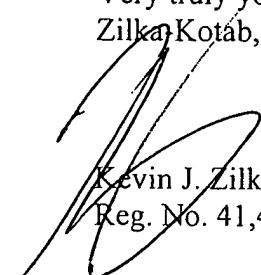
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A
DYNAMICALLY CONFIGURABLE VOICE PORTAL
Application No. 09/802,662
Issue Date: 03/09/2001
Assignee: BeVocal, Inc.
Docket No. BVOCP011

Dear Sir:

Please enter the enclosed Revocation and Power of Attorney into the file of the referenced application.

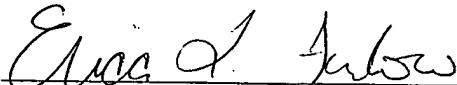
Very truly yours,
Zilka Kotab, PC


Kevin J. Zilka
Reg. No. 41,429

Enclosure

CERTIFICATE OF MAILING

I do hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.


Erica L. Farlow

11/15/2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR DAMAGE CONTROL DURING LARGE-SCALE ADDRESS SPEECH RECOGNITION

Application No. 10/005,597

Filing Date: 11/07/2001

Assignee: BeVocal, Inc.

Docket No.: BVOCP022A

Title: ENHANCED GO-BACK FEATURE SYSTEM AND METHOD FOR USE IN A VOICE PORTAL

Application No. 10/078,188

Issue Date: 02/15/2002

Assignee: BeVocal, Inc.

Docket No. BVOCP025

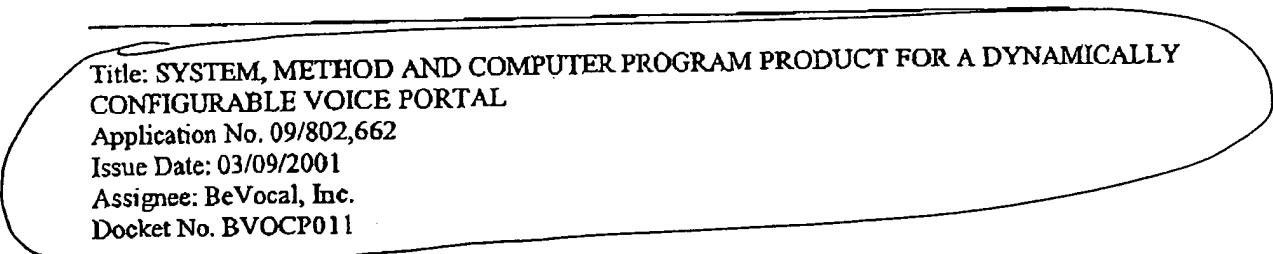
Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR LOOKING UP BUSINESS ADDRESSES AND DIRECTIONS BASED ON A VOICE DIAL-UP SESSION

Application No. 09/802,493

Filing Date: 03/09/2001

Assignee: BeVocal, Inc.

Docket No.: BVOCP020



Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A DYNAMICALLY CONFIGURABLE VOICE PORTAL

Application No. 09/802,662

Issue Date: 03/09/2001

Assignee: BeVocal, Inc.

Docket No. BVOCP011

Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A TRANSCRIPTION GRAPHICAL USER INTERFACE

Application No. 09/769,638

Issue Date: 01/24/2001

Assignee: BeVocal, Inc.

Docket No. BVOCP005

REVOCATION OF PRIOR POWERS OF ATTORNEY
AND GRANT OF NEW POWER OF ATTORNEY

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

As assignee of record of the entire interest of the above-identified patent applications(s) and/or patent(s), all powers of attorney previously given are hereby revoked and the following agents/attorneys are hereby appointed to prosecute and transact all business in the U.S. Patent and Trademark Office connected therewith.

Kevin J. Zilka (Reg. No. 41,429);
Dominic M. Kotab (Reg. No. 42,762); and
Ronald B. Feece (Reg. No. 46,327);

Please send all correspondence for these applications(s) and/or patent(s) as follows:

Cust. ID #: *28875*

Zilka-Kotab, PC
P.O. Box 721120
San Jose, California 95172-1120

Please direct any calls to Kevin Zilka at (408) 505-5100.

Date 11/9/04

Name: LISA M. GUERRA

Title: LISA M. GUERRA

VP ENGINEERING

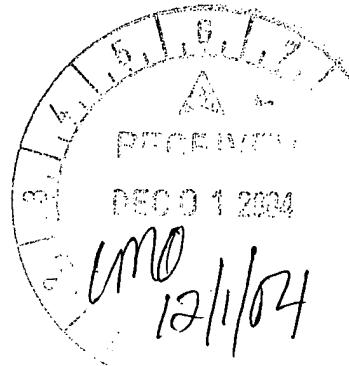
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PATENT POSTCARD

Docket No.	BVOCP011	Appln. No.:	Unassigned	Date:	11/15/2004
By:	KJZ:Elf	Filing Date:	03/09/2001	Express Mail No.:	
Inventor(s):	Lisa M. Guerra, John E. Fitzpatrick and Mark D. Womack				
Title:	SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR A DYNAMICALLY CONFIGURABLE VOICE PORTAL				

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- Revocation & Power of Attorney Transmittal
- Revocation & Power of Attorney
- Return Postcard



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